

PART III—Section 2

NOTIFICATIONS BY THE HEADS OF DEPARTMENTS.

JUDICIAL DEPARTMENT

IN THE HIGH COURT OF MYSORE, BANGALORE, CIVIL SIDE.

Dated 21st February 1945.

R. Dis. No. 7 of 44-45. Under Section 130 of the Code of Civil Procedure, 1911, and all other powers hereunto the High Court, with the previous sanction of the Government, hereby directs that the following Rules be substituted for the existing rules relating to the translation and printing of records in the High Court, which are printed in Chapter I, Section F, of the Civil Rules of Practice and Circular Orders, 1936, Volume I, at pages 10 to 13.

Paper book to be printed or typed.

39. Subject to the undermentioned provisos in every appeal, there shall be a paper book, either printed or typed. In all appeals in which the records are bulky and contain more than 50 pages of manuscript matter, the paper book shall be printed and in all other appeals it may be typed.

(1) *Provided That*, in the case of Miscellaneous Appeals, no printing or typing will be required, unless specially directed by the Admission Judge.

(2) *Provided Also That*, in the case of Execution Appeals and Miscellaneous Appeals, the paper book shall be typed and not printed irrespective of the bulk of the records.

Appeal out of time.

40. When an appeal is presented after the expiry of the period of limitation, the appellant shall not be required to print or type the record before the question of limitation is decided, finally.

Paper Book in First Appeals.

41. In all first appeals except execution appeals, the paper book shall contain the following:—

(a) a table of contents with reference to the pages of the record;

(b) the plaint (including any schedule appended thereto) and every written statement and further pleadings.

Note.—Where any of the documents is copied or translated in full in the judgment, that document need not be separately printed or typed, but abstracts in the judgment or elsewhere will not be accepted as substitutes for the documents required by this sub-paragraph to be printed or typed.

(c) the judgment and decree of the lower court;

(d) the memorandum of appeal;

(e) any memorandum of objections filed by the respondent;

(f) a chronological index of all documents exhibited in the case; and

(g) such other papers as the parties desire to have printed and have, within the prescribed period, applied to be included in the record.

Paper Book in Second Appeals.

42. In all second appeals except execution appeals, the paper book shall contain, in addition to the documents, etc., referred to in the last preceding paragraph, the memorandum of first appeal, the judgment and decree of the Court of first instance, and the order of admission, if any.

Paper Book in execution and Miscellaneous Appeals.

43. (1) In first appeals against orders passed in execution and in Miscellaneous Appeals, the paper book shall contain the following:

(a) a table of contents with reference to pages;

(b) the application or proceedings on which the order appealed against was made;

(c) the objections, if any, filed in answer to the application or proceedings and further pleadings, if any;

(d) the order appealed against;

(e) memorandum of appeal;

(f) any memorandum of objections filed by the respondent; and

(g) such other papers as the parties rely on or intend to rely on and have, within the prescribed period, applied to be included and paid for.

(2) In second appeals against orders passed in execution, the paper book shall contain, in addition to the documents, etc., referred to in sub-paragraph (1), the memorandum of first appeal, the order of the Court of first instance and the order of admission:—

Provided That.—In the case of all appeals (first and second) against orders passed in execution, the decree, which is in execution, shall also form part of the printed papers.

Appellant's List of Documents.

44. At the time of filing the memorandum of appeal except in the case of miscellaneous appeals, and in the case of miscellaneous appeals within a week from the date of communication of the order of the Admission Judge to the appellant or his Advocates, the appellant shall file in Court a list in duplicate of all papers on which he intends to rely. Such papers together with those referred to in paragraphs 41 to 43 will be printed or typed at the cost of the appellant.

Provided That.—Where he supplies certified copies of such papers, if in English, he will not be charged with the cost of copying them.

The appellant shall ordinarily print or type the whole of the evidence of every witness, whether on his own side or his opponent's.

Note.—One copy of the appellant's list will be retained by the official whose duty it is to prepare the paper for printing or typing; the other will be supplied to the respondent or his Advocate, or where there are more respondents than one, and all are not represented by the same Advocate, will be kept in the office where it may be inspected by any respondent.

Respondent's list of documents.

45. Within one month from the date of service of notice of an appeal, the respondent shall present to the Registrar a list of papers on which he intends to rely and for the printing or typing of which the appellant has not applied. Such papers will be printed or typed at the cost of the respondent, PROVIDED THAT, where he supplies certified copies of such papers, if in English, he will not be charged with the cost of copying them.

Translation of documents.

46. The appellant or respondent will mention in the list of documents filed by him in accordance with paragraph 44 or 45 the documents or portions of documents which he desires to have translated. All vernacular documents, etc., relied on by the appellant or respondent must be translated into English before the record is printed or typed. The work of translating Kannada documents into English will be done by the Court translators free of charge. Where the document to be translated is in any other language, the work will be got done as far as possible by outside agency at the cost of the party interested.

List of cases in which portions of documents are to be translated to be posted on the Notice Board.

47. A list of cases in which portions of documents are required to be translated and printed shall be posted on the notice board from time to time. The parties concerned shall, within 7 days of the date of the notice, point out the required portions. In default, these documents will be excluded from the record.

Fees for printing or typing.

48. The fees for printing or typing the paper book must be paid in advance in cash according to an estimate which will be furnished to the parties by the Registrar or the Deputy Registrar by means of a notice issued to them requiring them to deposit in Court the estimated amount within a time to be fixed which shall not exceed three weeks from the date of the notice. The Registrar may extend the time for a period or periods not exceeding six weeks in all for payment of printing or typing charges. In preparing the estimate, the printing or typing charges will be calculated at the rates to be fixed by the Court from time to time. Any unexpended balance will be refunded to the party by whom the fees are paid.

Number of copies to be printed or typed.

49. (1) Such number of copies of the record shall be printed as the Court may by general rule in this behalf or by special order, in any particular case, direct.

Note.—The number of copies ordinarily to be printed has been fixed at ten.

(2) When the record is typed, 5 typed books will be prepared of which the appellant and respondent will each obtain a copy free of charge. If the appellant or the respondent requires more than a copy, the extra copies required will be supplied on payment of additional charges at the same rate. When the record is printed, the appellant and respondent will be entitled to two copies of the printed record free of charge and one additional copy free of charge for each advocate employed in excess of two, PROVIDED such additional copies are available. Either party may have any number of extra copies at cost price, PROVIDED that he gives the necessary notice before the record is printed.

Copies of paper book, when to be delivered to parties and Advocates

50. Parties and Advocates shall be entitled to receive copies of the printed or typed record at least 15 days in the case of printed record and a week in the case of typed record before the date fixed for hearing.

Responsibility of Advocates for printing or typing charges.

51. Advocates shall be responsible for all translation, printing or typing charges incurred on their behalf under these rules. The Registrar shall have power to stop at his discretion the issue of all or any papers to any Advocate who has failed to pay any money due by him to the Court under these Rules.

Application for translation and printing of document not on record.

52. When application is made for the translation and printing of any document not on record with a view to its admission in evidence, or any other paper on record not already printed or typed, the translation and printing may be ordered by the Registrar PROVIDED that the order shall be made without prejudice to the posting of the case.

Default in payments.

53. When any default is made in the payment of printing or typing charges, or process fee or in respect of any similar act necessary to make appeals, petitions, etc., ready for hearing after any period or periods of extension of time granted by the Registrar, the case shall be posted for orders of the Court.

Supplementary printed record.

54 (a) When an order has been made by a Division Bench or Full Bench under Order XLI, Rule 25 or Rule 27, C.P.C., in an appeal to which these rules have been applied, and additional evidence has been taken in pursuance of such order, the senior Judge of the Division Bench or Full Bench may, at any time after the completion of the record of the enquiry, make an order that a supplementary record be prepared of—
(i) the order made under Order XLI, Rule 25 or 27 C.P.C. and
(ii) proceedings taken thereunder or any part thereof.

(b) The order shall direct by which party or parties the expense of preparing the supplementary record or of any part thereof shall be borne in the first instance.

(c) When a Judge's order for the preparation of a supplementary record has been made, the Registrar shall deal with the matter under the foregoing rules so far as applicable.

Printing charges to be deposited with review applications made for restoring appeals rejected for non-payment.

55. In cases where a review application is made for restoring appeals rejected for non-payment of printing or typing charges, the printing or typing charges called for, for non-payment of which the appeal was rejected, should be deposited with the review application. If the review is rejected, the printing or typing charges so deposited will be returned.

Document to be referred.

56. Except with the permission of the Court, neither the appellant nor the respondent will be permitted at the hearing of the appeal to refer to any document or deposition which is not contained in the paper book whether such document or deposition has been filed or made on his own behalf or on behalf of the opposite party. When a portion only of a document is printed or typed, that portion alone may be referred to. When an instrument relating to immovable property contains a description of the property, the portion containing the description, including boundaries, if any, must be printed or typed in full if it is to be referred to. If the Advocate for the appellant or the respondent considers that any paper not printed is necessary for the disposal of his case, he may, with the permission of the Court, provide, at the time of hearing and after serving copies on the other side, typed copies of such paper for the use of the Court PROVIDED that, if the paper is in Kannada, it should be translated by the Court Translators.

What records are not to be translated, printed or typed.

57. The following records or parts of records will not be translated, printed or typed except when parties or their Advocates state specifically in writing when presenting lists of documents in accordance with Rule 44 or Rule 45 that they require such records or parts of records to be translated, printed or typed, as the case may be:—

I. *Pleadings*.—Verifications of complaints, written statements, etc.

II. *Documents*.—(a) Documents which have been exhibited merely for the purpose of comparison of handwriting;
(b) previous title-deeds, which are not disputed;
(c) schedules giving descriptions of property, stamp-vendor's endorsements, registration endorsements and endorsements of payment, unless they are in dispute between the parties;

(d) those parts of letters exhibited which obviously refer to matters other than the questions in issue.

III. *Judgments and Decrees*.—(a) Description of parties except their names;

(b) statements of costs and schedules of property.

IV. *Memoranda of appeal and cross-objections*.—Description of parties except their names.

V. *Certified copies*.—Certificates and endorsements of the copying office.

VI. *Interlocutory and other applications and Judge's Notes*.—Cause titles.

VII. *Sale proclamation and licenses*.—The usual conditions printed in forms of proclamations and licenses.

VIII. *Accounts*.—Entries therein other than those in dispute.

IX. *Revenue Records*.—Columns and entries in extracts of kharashmari, khirdi, khetwar, and other such accounts containing no information regarding the matters in dispute between the parties.

Note.—When entries in successive accounts of the same kind are printed or typed, the headings need appear only once, provided that the date to which each entry relates is shown.

Costs to be included.

58. The cost of translation (if any) and of printing or typing will ordinarily be included as costs in the appeal, but it will be within the discretion of the Court to disallow any costs which appear to have been unnecessarily incurred.

Applicability of rules to references under the Income-tax Act and the Land Revenue Code.

59. Rules 39 to 58 relating to the printing or typing of paper books and translation of documents in Regular Appeals and Second Appeals shall apply as far as practicable to References under the Mysore Income-tax Act and the Land Revenue Code.

List of balance of printing charges to be refunded.

60. Once in a quarter there shall be affixed to the notice board a list of cases disposed of in which there is any balance of printing or typing charges to be refunded to the depositor as also the amount outstanding in his favour in each case.

7001 N. R. KRISHNASWAMI PILLAI, Registrar-in-charge.

IN THE COURT OF THE MUNSIFF AT KOLAR.

Insolvency Application No. 14 of 1936-37.

D. Ramiah, son of Venkataramaniah, residing in Kolar Town ... *Insolvent,*
... *Debtor.*

(1) Shapur Venkatesiah and 7 others Kolar Town. *Creditors.*

Pursuant to a petition, dated 22nd October 1937, and on reading the petition and hearing the parties, it is ordered that the debtor be and the said debtor is hereby adjudged insolvent.

Dated this 12th day of January 1945.

7204 A. A. MAJID, *Munsiff.*

IN THE COURT OF THE SUBORDINATE JUDGE AT MYSORE.

Insolvency Case No. 15 of 1942-43.

B. S. Vasudeva Rao ... *Petitioner.*
... *vs.* ... *Respondents.*

K. Ramadas and others ... *Respondents.*
Take notice that the abovenamed insolvent has applied at the Court for his discharge, and that the Court has fixed the 26th day of March 1945, at 11-30 A.M. for hearing the application.

Dated this 26th day of February 1945.

7174
Insolvency Application No. 11 of 1943-44.
M. Subba Rao ... *Petitioner.*
... *vs.* ... *Respondents.*

The Chamarajapuram Co-operative Stores, Ltd., Mysore and others ... *Respondents.*
Pursuant to a petition, dated 9th November 1943, against the respondents and on the application of the petitioner M. Subba Rao and on reading the evidence and hearing the

respondents, it is ordered that the debtor be and the said debtor is hereby adjudged insolvent.

Dated this 26th day of February 1945.

Proof of debts—Six months.

Time for discharge—One year.

7174(a)

S. KANAKARATNARAJ, *Sub. Judge.*

OFFICE OF THE DISTRICT MAGISTRATE, KADUR DISTRICT, CHIKMAGALUR.

Notification dated 24th February 1945.

No. J1. C. 3717—43-44. Adverting to this office Notification of even number, dated 28th February 1944, issued under Rule (81) (2) (bb) of the Defence of India Rules, laying down certain conditions on the owners or proprietors of the houses to be let out for rent at Chikmagalur town, it is hereby notified for the information of all concerned that the above notification is renewed for another period of one year from 28th February 1945 subject to exceptions notified in this office Notification of even number dated 29th June 1944.

7179

G.N. NAGARAJA RAO, *Dist. Magte.*

CHITALDRUG DISTRICT.

Notification dated 20th February 1945.

No. J2. L. P. R. 280—44-45. Under Rule 20 of the Mysore Motor Vehicles Rules, 1924, it is hereby notified that the plot of the land (with the newly built Hotel Building area) in front of the District Hospital, Chitaldrug, is fixed as bus stand in the Chitaldrug Town.

7010

Notification dated 2nd March 1945.

No. J1. P. R. 42—44-45. Whereas Belluli Murigappa Channabasappa, Gun Powder Merchant, Davangere, have applied for a license to possess and sell Explosives from a Magazine to be established in S. No. 66/1 of Sammur Village, Davangere Taluk instead of his former magazine situated on site about 405 ft. to the N. of Bangalore-Dharwar Road at Davangere, and as this site has not got requisite clearances as required by the Mysore Explosives Rules he was granted licenses as a temporary measure in Form H. Any person objecting to the establishment of the magazine on the proposed site, i.e., in S. No. 66/1 may give in writing a notice of such objection with a short statement of the grounds, to the undersigned and also to the applicant, which will be heard and disposed of on 9th March 1945 at 2 P.M. in the office.

7208

A. C. NIRVANI GOWDA, *Dist. Magte.*

REVENUE DEPARTMENT

KOLAR DISTRICT.

Notification dated 26th February 1945.

No. A9. Rest. 4—42-43. Under Section 3, Minor Tank Restoration Act, No. XV of 1923, it is hereby notified for the information of all concerned that the Restoration of Karinakhanahalli Doddakere Reg. No. 80—655 Malur Taluk, will be taken up by Government agency at an estimated cost of Rs. 5300. Objections, if any to the proposed restoration should be preferred to the undersigned in writing within two months from the date of this notification, after which no objections will be heard.

729

K. GURU DUTT, *Dy. Commr.*

KOLAR SUB-DIVISION.

Notification.

No. R1. C. 1109—44-45. It is hereby informed for the information of the public that the Shanbhogi Office of Seegalli, Palenahalli Gangapura, Kasaba Hobli, is treated vacant the Barawardar Padmanabha Rao has failed to enter upon his duties. *Hakdars*, if any, to the said vacant office may put forth their claims, before the Amildar, Mulbagal Taluk, within two years from the date of publication in the *Mysore Gazette*, failing which the *hak* will be forfeited to Government. Claims put forth after that period will be summarily rejected.

5

Notification.

No. R1. C. 1110—44-45. It is hereby informed for the information of the public that the Shanbhogi Office of Padmat, Kasaba Hobli, is treated as vacant, owing to the failure of the Barawardar Shanbhog Mr. Subba Rao to enter upon his duties. *Hakdars*, if any, to the said vacant office may put forth their claims before the Amildar, Mulbagal Taluk, within two years from the date of publication of the notification in the *Mysore Gazette*, failing which the *hak* will be

forfeited to Government. Claims preferred after the period will be summarily rejected.

7176

K. SESHAGIRI RAO, *Asst. Commr.*

REVENUE SURVEY DEPARTMENT.

DISTRICT SURVEY OFFICE, SHIMOGA.

Notification dated 28th February 1945.

No. M. C. 558—44-45. The holders and all other persons interested in the lands of Jodi Bankankatte village, Sivane Hobli, Tarikere Taluk are hereby informed that Hissa survey measurement operations will be commenced during the first week of March 1945 by the Surveyor deputed for the purpose.

The holders and all other persons interested are required to be present in their respective fields when the Surveyor deputed for the purpose will inspect their fields and supply particulars as regards ownership, title and other information, failing which measurement work will be done from information obtained on the spot. If any hissadar thinks that his hissas or any other right of his is not recorded in the preliminary record and is omitted by the Surveyors he should bring the fact to the notice of surveyor, or the Supervisor or the Survey Officer.

Land-holders are hereby informed that they are not under any obligation to provide labour for survey work, such as flag holding, chain-dragging, etc. All such work will be got done by the Department through the agency of paid labour. The holders are only to show their field boundaries, urge their rights generally and have stones ready in their fields for being erected during the measurement of their hissas.

7124

T. A. BASHIRUDDIN AHMED, *Dist. Surv. Offr.*

EXCISE DEPARTMENT

OFFICE OF THE EXCISE COMMISSIONER IN MYSORE, BANGALORE.

Notification dated 2nd March 1945.

No. A. 1-548—44. It is notified for general information that the Excise Licensing Board, Seringapatam, has been reconstituted as noted below:—

Elected.

1. Mr. S. Deviah, Municipal Councillor, Seringapatam.
2. Mr. M. K. Linganna, B.A., LL.B., Lawyer, Seringapatam.

Nominated.

1. Mr. Muniswamy Mudaliar, Seringapatam.
2. Mr. M. Subbajiya, Manager, Town Bank, Seringapatam.

7222

NAVANEETHAM, *Excise Commr.*

FOREST DEPARTMENT

OFFICE OF THE CONSERVATOR OF FORESTS, SHIMOGA.

Notification, dated 2nd—3rd March 1945.

No. M. 1-10-44 It is hereby notified for the information of the public that under the proviso to Rule 4 (b) of the Rules for the Protection of Game and Fish in Mysore, the area within a radius of three miles of Nallur village, Kasaba Hobli, Chennagiri Taluk, Shimoga District, is thrown open for a period of three months, for free shooting of tigers reported to be causing havoc in the locality.

7210

P. KRISHNASWAMI RAO, *Consr. of Fts.*

FINANCIAL DEPARTMENT

COMPTROLLER'S OFFICE, BANGALORE

Circular dated 7th February 1945.

No. 393—TAD. B. II. It is hereby notified for information of the Public and Heads of Departments and Offices that "Twelve Years' Government of India National Savings Certificates" are accepted as security by various departments of Government at the value at which they stand on the day of acceptance in accordance with the orders of Government conveyed in Government Order No. Fl. 2644—G. F. 136-44-2 dated 30th December 1944.

6193

M. SHAMANNA, *Comptroller.*

MISCELLANEOUS DEPARTMENT

OFFICE OF THE DIRECTOR OF INDUSTRIES AND COMMERCE IN MYSORE, BANGALORE.

Notification dated 28th February 1945.

No. C5. 440—43-44. The following Agreement and Rules for remission of duty on salt used for industrial purposes in force in Bombay are hereby published for the information of the public:—